

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Confirmation No. : 6963
Appln. No. : 10/800,134
Applicant : Gregory H. Altman
Filed : March 11, 2004
TC/A.U. : 1657
Examiner : David M. Naff
Docket No. : 18668CIP1(SER)
Title : Immunoneutral silk-fiber-based medical devices

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. 1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby submit an Information Disclosure Statement along with attached form(s) PTO/SB/08. A copy of each listed publication is being submitted, if required, pursuant to 37 C.F.R. §§1.97-1.98, as indicated below.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicants further requests that the Examiner initial and return the attached form(s) PTO/SB/08 in accordance with MPEP §609.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

The instant application, United States Patent Application Serial Number (USPASN) 10/800,134, is part of an inter-related portfolio. In order to be certain that the examiner is aware of the extent of this portfolio and has an opportunity to consider the issues raised in related prosecutions Applicants submit the following statement.

There are 17 other applications related to the same subject matter, having shared inventors and commonly owned with the above identified applications, these are listed in the table below.

Application No.	Attorney Docket No.	Filing Date	Title
12/052,719	18665(SER)	03/20/2008	Prosthetic device and method of manufacturing the same
12/770,588	18668CIP1CON1(SER)	04/29/2010	Sericin extracted fabrics
13/071,380	18668CIP2CON2(SER)	03/24/2011	Immunoneutral silk fiber-based medical devices
13/071,396	18668CIP2DIV1(SER)	03/24/2011	Immunoneutral silk fiber-based medical devices
12/814,037	18668CIP2(SER)	06/11/2010	A prosthetic fabric device
10/990,199	18668CON1(SER)	11/16/2004	Silk fibroin fiber bundles or matrices in tissue engineering
13/074,282	18668CON1DIV1(SER)	03/29/2011	Silk fibroin fiber bundles or matrices in tissue engineering
12/770,570	18668CON2(SER)	04/29/2010	Sericin extracted silkwork fibroin fibers
12/680,404	18711 USPCT(SER)	09/19/2011	Prosthetic device and method of manufacturing the same
13/088,706	18711CIP1(SER)	04/18/2011	Prosthetic device and method of manufacturing the same
13/088,833	18711CIP2(SER)	04/18/2011	A prosthetic device having regions of varying stretch and method of manufacturing the same
13/093,651	18711CIP3(SER)	04/25/2011	A prosthetic device having diagonal yarns and method of manufacturing the same
13/186,139	18711CIP4(SER)	07/19/2011	Implantable silk prosthetic device and uses thereof
13/156,283	18711CIP5(SER)	06/08/2011	A prosthetic device and method of using in breast augmentation
13/186,151	18711CIP6(SER)	07/19/2011	A prosthetic device and method of using in breast augmentation and/or breast reconstruction
12/878,757	18716(SER)	09/09/2010	Prosthetic device and method of manufacturing same
13/289,786	18750(SER)	11/04/2011	Silk based implantable medical devices and methods for determining suitability of use in humans

The Applicant presumes that the examiner can obtain copies of the USPTO file histories and related documents for the above identified cases. Should the examiner be unable to locate the file histories, please contact the Applicant and copies of any necessary documents will be immediately provided.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

- ☒ 37 CFR §1.97(b). This Information Disclosure Statement should be considered by the Office because:
- ☐ (1) It is being filed within 3 months of the application filing date of a national application and is other than a continued prosecution application under §1.53(d);
-- OR -
 - ☐ (2) It is being filed within 3 months of entry of a national stage as set forth in §1.491 in an international application;
-- OR
 - ☐ (3) It is being filed in compliance with 37 C.F.R. § 1.97 (e)(1) and each item of information contained in the information disclosure statement was first cited in a communication from the International Search Report not more than three months prior to the filing of the information disclosure statement.
-- OR
 - ☐ (4) It is being filed in compliance with 37 C.F.R. § 1.97 (e)(1) and each item of information contained in the information disclosure statement was first cited in a communication from the International Search Report more than three months prior to the filing of the information disclosure statement, but before the mailing date of the first Office Action;
-- OR
 - ☐ (5) It is being filed before the mailing date of the first Office Action on the merits;
-- OR
 - ☐ (6) It is being filed with copies of the Information Disclosure Statement(s) from the U.S. Parent application;
-- OR -
 - ☒ (7) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under §1.114.
- ☐ 37 CFR §1.97(c). Although this Information Disclosure Statement is being filed after the period specified in 37 CFR §1.97(b), above, it is filed before the mailing date of the earlier of (1) a final office action under §1.113, (2) a notice of allowance under §1.311, or (3) an action that otherwise closes prosecution on the merits, this Information Disclosure Statement should be considered because it is accompanied by one of:
- ☐ a certification as specified in §1.97(e) provided concurrently herewith;
-- OR -
 - ☐ a fee of \$180.00 as set forth in §1.17(p) authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 CFR §1.97(d). Although this Information Disclosure Statement is being filed after the mailing date of the earlier of (1) a final office action under §1.113 or (2) a notice of allowance under §1.311, it is being filed before payment of the issue fee and should be considered because it is accompanied by:
- A. a certification as specified in §1.97(e); and
 - B. a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this Statement.

- ☐ 37 CFR §1.97(e). A certification signed by an Attorney of Record is provided herewith as required under 37 CFR §§1.97(b) and (c).
- ☒ 37 CFR §1.98(a)(2). The content of the Information Disclosure Statement is as follows:
- ☐ Copies of each of the references listed on the attached Form PTO/SB/08A are enclosed herewith.
-- OR -
- ☒ Copies of U.S. Patent Documents (issued patents and patent publications) listed on the attached Form PTO/SB/08A are NOT enclosed.
-- AND/OR -
- ☒ Copies of Foreign Patent Documents and/or Non Patent Literature Documents listed on the attached Forms PTO/SB/08A-B are enclosed in accordance with 37 CFR §1.98(a)(2).
-- AND/OR -
- ☐ Copies of pending unpublished U.S. patent applications are enclosed in accordance with 37 CFR §1.98(a)(2)(iii).
-- AND/OR -
- ☐ Copies of Foreign Patent Documents and/or Non Patent Literature Documents listed on the attached Forms PTO/SB/08A-B are NOT enclosed and can be obtained in the file histories of related applications _____ and _____.
- ☒ 37 CFR §1.98(a)(3). The Information Disclosure Statement includes non-English patents and/or references.
- ☐ Pursuant to 37 CFR §198(a)(3)(i), a concise explanation of the relevance of each patent, publication or other information provided that is not in English is provided herewith.
-- AND/OR -
- ☒ Pursuant to 37 CFR §1.98(a)(3)(ii), a copy of a translation of the non-English language reference(s) is provided herewith.
-- AND/OR -
- ☐ A copy of the European Search Report indicating the relevance of the non-English language reference(s) is provided herewith
- ☐ Attached are copies of search report(s) from corresponding patent application(s), submitted in accordance with MPEP 609 D in support of the attached certification under 37 CFR §1.97(e)(1).
- ☒ *No Fees Due.* Applicants believe no fee is due with this filing, however, if it is deemed that a fee is due, the Director is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3207.

Applicant: Gregory H. Altman
Serial No.: 10/800,134
Group Art Unit: 1657

PATENT
18668CIP1(SER)

☐ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 50-3207.

Respectfully submitted,

Dated: March 10, 2012

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